(2)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

W.P.NO. 2331 OF 2001

IN THE MATTER OF :

PETITIONER

ATUL SINGH SON OF LATE SATNARAYAN SINGH AGED 37 YEARS A-4 CLASS CONTRACTOR RESIDENT OF BABUPARA JAIL ROAD, AMBIKAPUR.

W.P. No. 2331/01
Presented by Shri B.P. Sharma
dated 31/10/01

VERSUS

RESPONDENTS

1. THE STATE OF CHHATTISGARH, Through the Secretary to the Government of Chhattisgarh, Water Resources Department, Dau Kalyan Singh Bhavan, G.E.Road, Raipur (Chhattisgarh).

2. THE CHIEF ENGINEER, Hasdeo Kachar, Water Resources Department, Bilaspur (Chhattisgarh).

THE SUPERINTENDING ENGINEER, Water Resources Division, Shyam Barnia Project Division, Ambikapur, District Surguja (Chhattisgarh).

4. THE EXECUTIVE ENGINEER, Water Resource Division, Surajpur, District Surguja (Chhattisgarh).

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5. SHRI LAL BABU SINGH, A-5 Category Contractor, Kedarpur, Ambikapur, District Surguja (Chhattisgarh).

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA FOR THE ISSUANCE OF WRITS IN THE NATURE OF MANDAMUS CERTIORARY, PROHIBITION ETC. ETC. AND/OR FOR ORDER (S) AND/OR DIRECTION (S) IN THE NATURE OF WRITS

(71)

HCD—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 2331/2001 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक या आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

14-1-2002

Shri B.P. Sharma, Advocate for the petitioner.

Shri Deep Kesharwani, Panel Lawyer, for the State on advance copy.

Heard.

By this petition under Article 226 and 227 of the Constitution of India, the petitioner has challenged the acts of respondent/State authorities declaring the respondent No.5 as successful bidder and thereafter issuing work orders, a copy of which has been filed along with this petition as Annexure-P/11. The petitioner has prayed for directions that work order in respect of NIT No.4 of 2000-2001dtd.16.02.2001 (Annexure-P/11) be quashed and further to declare the petitioner as a qualified tenderer and entitled for award of contract in respect of said NIT. The petitioner has further prayed for a direction that the respondent/State authorities be restrained from giving further effect to the work order given to the respondent No.5 under the said NIT and further restraining respondent No.5 from carrying out any work against the said work order.

Counsel for the petitioner submits that such declaration is against the eligibility norms fixed by the State Government. He further submits that the petitioner has submitted various representations, which have not been considered by the State authorities. He placed reliance upon the Order passed by Division Bench of this Court in the case of Rani Sati Granite Vs. State of Chhattisgarh & Others in Writ Petition No.61/2000, decided on 23.11.2001.

(72)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P. No. 2331/2001

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक और आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

Having considered the facts and circumstances of the case, material on record and after having heard learned counsel for the parties, and in view of the Order passed by the Division Bench of this Court in W.P.No.61/2000(Supra), since the questions sought to be raised in this petition can better be appreciated by the departmental authority, in the opinion of this Court it would be just and proper that the petitioner to make a representation along with a copy of the petition before the Engineer in Chief and if such a representation is filed, the same shall be considered and decided as early as possible preferably within one month from the date of receipt of the representation.

With these observations, the petition is disposed of at this stage.

Certified photocopy if applied for.

Sd/-
Fakhruddin
Judge